

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2025/62/91445/E
Site Address:	Land Adj, 26, Haigh Lane, Flockton, Huddersfield, WF4 4BZ
Description:	Erection of timber building storage building with animal stalls
Recommending Officer:	Nina Sayers

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Emma Thompson

AUTHORISED OFFICER

Date: 15-Oct-25

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Officer Report

Site Description

Address: Land Adj, 26, Haigh Lane, Flockton, Huddersfield, WF4 4BZ

The application site is an undeveloped plot of land located to the side and rear of 26 Haigh Lane in Flockton. The site fronts Haigh Lane, however, there is no existing access onto the highway. The area surrounding the site is predominantly green fields and the site is adjacent to a small cluster of houses, comprising a terrace of properties and a detached dwelling to the south-west and further north there are three detached dwellings. There is also an agricultural unit further south of the site. The village of Flockton is approximately 500m to the north-east of the site.

The site is located within the Green Belt on the Kirklees Local Plan. The site is not in a conservation area and there are no listed buildings within close proximity to the site

Description of Proposal

The application seeks planning permission for the erection of a timber building storage building with animal stalls.

The proposed building would be an L-shaped, single storey unit with a shallow pitched roof design. The building would have two storage areas with natural bases and two smaller animal stalls with compacted gravel bases. The building would be finished in timber and would be used for storage and stalls for small grazing animals such as sheep or goats.

The applicant has detailed in their submitted information that there is an existing access onto Haigh Lane however there is no planning permission for this and therefore officers have included it within their assessment.

History of negotiations/amendments received

Officers sought additional information from the applicant regarding the proposed use of the site and requested a justification for how it complies with green belt policy. A supporting document was submitted by the applicant. The applicant outlined that the building would be for agricultural use and therefore officers sought additional information regarding this which is discussed in section 1 of this report.

Officers outlined concerns regarding the scale and siting of the proposed building. Amended plans were received which reduced the size of the building and moved it south-east within the site. Additional supporting information was

also submitted. The application has been determined based on the revised plans.

The amended plans were not readvertised as no representations were initially received and as the scheme reduces the scale of the proposal and therefore would not cause any additional harm to residential amenity.

Relevant Planning History

2022/92175 Erection of detached dwelling. Refused.
2021/91460 Erection of detached dwelling. Refused.
2017/93512 Discharge conditions 3 (materials), 7 (site investigation report), 8 (remediation strategy), 10 (drainage) on previous permission.
2016/91542 for demolition of existing storage buildings and containers and erection of one dwelling. Approved.
2017/91400 Variation of condition 2 (plans and specifications) on previous permission
2016/91542 for demolition of existing storage buildings and containers and erection of one dwelling. Approved.
2016/91542 Demolition of existing storage buildings and containers and erection of one dwelling. Approved.
2015/93852 Demolition of existing storage buildings and containers and erection of one dwelling. Approved.
2006/92177 Erection of stable block and extension to existing detached garage. Approved.

Representations

This application was advertised via site notice and online. Final publicity expired on 15th August 2025. No representations were received.

Consultation Responses

KC Highways – No comment received.

KC Ecology – No objections.

The Mining Remediation Authority – development is exempt from requiring a CMRA.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP10 – Supporting the Rural Economy
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land
- LP54 – Buildings for agriculture and forestry

Other Guidance Documents:

- Kirklees Highway Design Guide (2019)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 12th December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety

- 4) Other matters
- 5) Representations
- 6) Conclusion

1 - Principle of Development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Green Belt

The application site is within the Green Belt as located on the Kirklees Local Plan. Paragraph 142 of the NPPF states: *“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*

Paragraph 154 outline that development in the Green Belt is inappropriate unless it falls under one of the following exceptions:

- a) *buildings for agriculture and forestry;*
- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) *Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. *mineral extraction;*

- ii. *engineering operations;*
- iii. *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- iv. *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- v. *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- vi. *development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order*

Officers sought additional information from the applicant regarding the use of the site. The agent has confirmed that the animals would be kept as part of an agricultural use. Officers will therefore assess this application against LP54(a) buildings for agriculture and forestry.

Relevant to LP54(a) is policy LP54 of the Kirklees Local Plan which outlines the requirements for buildings for agriculture in the green belt. It states: *“Proposals for new buildings for agriculture and forestry will normally be acceptable, provided that;*

- a) *the building is genuinely required for the purposes of agriculture or forestry;*
- a) *the building can be sited in close association with other existing agricultural buildings, subject to the operational requirements of the holding it is intended to serve. Isolated new buildings will only be accepted exceptionally where there are clear and demonstrable reasons for an isolated location;*
- b) *there will be no detriment to the amenity of nearby residents by reason of noise or odour or any other reason; and*
- c) *the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.”*

Following confirmation that the building would be for agricultural use, officers sought additional details regarding this including:

- Details of the agricultural holding i.e. how much land/number of livestock/etc.
- Why the existing buildings within the agricultural holding cannot be used
- The applicant’s County Parish Holding number

The agent replied explaining that the applicant does not currently have a Parish holding number “as they need the planning permission to enable a shelter and storage/welfare facility before they apply.”

Officers then sought additional details regarding the proposed agricultural use including:

- how much land will be included within the agricultural use
- the intended number of livestock
- What the end product will be i.e. what is the agricultural purpose of the site

The agent replied “The site area is approx. 0.6 acres, which mean approx. 3 to 5 sheep would be suitable for grazing this land. All the boundaries are all suitable for this use and can keep livestock safe and contained. The land would be used for grazing purposes.”

Initially the proposed building covered a floor area of ~108m² and the applicant did not provided a justification for the scale of proposed building nor did the applicant explained why the building need to be sited in this location. These concerns were raised with the agent, and the building was reduced in scale and moved north-east, in a similar location to the existing container. An additional supporting statement was also submitted which details “the new building will be used for the welfare and shelter of a small flock of sheep, particularly during lambing season and adverse weather conditions.”

In terms of justifying the size of the building proposed, the submitted details state “It is modest in size and scale, proportionate to the needs of the holding, and does not conflict with the purposes of including land in the Green Belt.” The agent outlines that the recommended area is 1x2m per sheep plus an area for storage. “I have shown space for up to 6 sheep however the client would only be keeping 4 to 5 sheep in this unit. But I have left space to enable separation if a sheep was required to isolate”.

It is not clear where the ‘recommended area’ of 1x2m per animal has been drawn from. However, on this basis, the agricultural use of the site would require 10m². Whilst officers are willing to accept some additional floor area if sheep are required to isolate, and for storage, the proposed building is ~50m² which is significantly larger than the floor area required by the agricultural use, as outlined by the agent. Therefore officers believe that insufficient information has been provided to demonstrate that the building is genuinely required for the purposes of agriculture and therefore officers considered that the proposal would fail to comply with LP54(a).

Regarding LP54(b), there are no existing agricultural buildings. The applicant has justified the revised location of the building due to its location where the existing container is located. This is given very limited weight given there container is temporary. The building is in close proximity to other existing residential buildings and would align with the existing built development and therefore would not be considered an isolated location for the purposes of assessment against LP54(b).

With regard to LP54(c), the proposed development would be ~20.7m from the nearest residential dwelling (26 Haigh Lane). The development would serve as storage and stalls for animals and therefore could have the potential to result in odour and noise however given number of animals proposed this

would not currently be considered to cause significant harm to the amenity of the neighbouring occupants.

Notwithstanding the concerns regarding the scale of the building, the general design of the proposed building would be agricultural in nature and would be finished in Timber which is in keeping with the rural setting of the site. As such the scheme is considered to comply with LP54(d) of the Kirklees Local Plan.

Taking the above into account, it is considered that it has not been adequately demonstrated that the building is genuinely required for the purposes of agriculture, thus failing to comply with LP54(a) of the Kirklees Local Plan. On this basis the application would also fail to fall under exception a of paragraph 154 of the NPPF.

The proposed development would not meet the criteria for sub-paragraphs LP54(b) – (f) or (h). Regarding LP54(g), the applicant has stated in their submitted information that the site is “currently occupied by a small, structure which has fallen into significant disrepair and cannot be viably restored or reused in its current state”. It is noted that there is a structure on the site however this is a shipping container that would be removed as part of the scheme. The submitted plans show it covers an area of 70m². Shipping containers are generally temporary in their nature and therefore do not constitute a permanent, substantial structure. Sub-paragraph 154(g), states that previously developed land (PDL) excludes temporary buildings and therefore the land would not be considered PDL for the purposes of assessment against paragraph 154.

Taking the above into consideration, the proposed development would not fall under any of the exceptions listed in paragraph 154 and therefore the proposal would be inappropriate development in the green belt.

A more detailed assessment of the proposal’s design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 - Impact on Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) provides a principal consideration concerning design which states: “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

As detailed above the proposed building would introduce new development in the green belt which is considered inappropriate. The scale of the building is disproportionate to the use outlined. A new building of this scale, in this location, with no justified reason, would detract from the open nature of the green belt setting and therefore would cause harm to openness and visual amenity of the rural setting of the application site.

In conclusion, it is considered the proposed development would cause significant harm to the visual amenity of the wider rural setting thus failing to comply with the aims of Chapter 12 and 13 of the NPPF and Policy LP24 of the Kirklees Local Plan.

3. Impact on Residential Amenity

Sections B and C of LP24 state that development should: “maintain appropriate distances between buildings’ and ‘minimise impact on residential amenity of future and neighbouring occupiers”. Further to this, Chapter 12 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The proposed development would be single storey in nature and would be ~20.7m from the nearest residential dwelling (26 Haigh Lane) which is considered a sufficient distance to prevent any significant overbearing or overshadowing harm. The development would serve as storage and stalls for animals and therefore could have the potential to result in the addition odour and noise however given the relatively small number of animals proposed, the development would not be considered to cause significant harm to the amenity of the neighbouring occupants.

Given the above, the proposal does not give rise to any undue adverse impacts upon neighbouring residential amenity, as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan, Chapter 12 and 13 of the National Planning Policy Framework.

4. Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Chapter 9 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highway Design Guide SPD is also relevant.

The proposed development would be for animal storage and therefore would result in some additional trips to the site, however as the animals are owned by the applicant who resides at no. 26 Haigh Lane is it likely that the site would be visited on foot.

The proposed access is via Haigh Lane, whilst the plans show this as 'existing' there is no planning history for the access. The access is in a similar location to that proposed for application 2022/92175, for which visibility splays and swept path analysis for emergency vehicles were submitted and officers considered the access was acceptable for a road with traffic speeds of approximately 50mph. No details of visibility have been provided for this application and as the principle of development is not acceptable these have not been sought. However, given a suitable access has previously been submitted it is considered likely that this could be dealt with by condition and therefore would not constitute a reason for refusal in this instance.

Overall, it is considered, subject to conditions, that the proposed development would not cause significant harm to the efficiency or safety of the highways, over and above the existing arrangements on site. The proposed development therefore complies with Policy LP21 and LP22 of the Kirklees Local Plan, the aims of the Kirklees Highways Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

5. Other Matters

Land contamination

The applicant confirmed in their Design Statement that the scheme would be located on a compacted gravel base with levelled paving and a natural base in storage areas. The timber sole plate would be secured to the ground using 300mm ground screws. The Mining Remediation Authority were consulted on the proposal, and they consider the scheme to be exempt from requiring a Coal Mining Risk Assessment (CMRA).

The application site is ~50m from a site identified as potentially contaminated due to its historical land use as opencast workings and ~100m of a historic colliery. KC Environmental Health therefore have concerns that a credible and unassessed risk from ground gas and shallow coal remains. It is noted that this development does not have a vulnerable end user and that the scheme would not involve significant groundworks.

KC Environmental Health raised concerns about the potential for the building to be converted into residential use and therefore requested full land contamination conditions. However, this proposal is for animal stalls and storage, and significant works and separate planning permission would be required to convert the building into residential use and therefore full land contamination conditions are not considered necessary for this application. A condition for unexpected contamination would however be recommended if the application is approved so that in the event that any contamination is found during construction the appropriate mitigation takes place.

The proposed therefore complies with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

Biodiversity

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has outlined that they believe the development falls under the de minimis exemption because “the stall units have a compacted gravel base – equating to approx. 21m² of gravel base. The storage areas are just natural ground base”. Officer’s query this calculation as it would appear the development would impact more than 25m² of habitat. However, this has been reviewed by KC Ecology who are satisfied that the net footprint size is below the threshold for BNG requirements and they consider it is therefore exempt as set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended).

As the principle of development is unacceptable, further information regarding BNG has not been requested however should a future application be submitted, a further justification should be submitted which demonstrates clearly that only 25m² of habitat would be impacted. It is the applicant's responsibility to ensure they comply with the requirements of Environment Act 2021.

The proposed development is therefore considered to comply with LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6. Representations

No representation received.

7. Conclusion

This application for the erection of a timber building for storage with animal stalls has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposal would constitute inappropriate development in the green belt, failing to comply with national and local planning policy and therefore the development cannot be supported.

Recommendation

Refuse

Decision Authorisation - Delegated Powers

Application Number: 2025/91445

Officer Recommendation: Refusal

Reason(s) for refusal:

1. Insufficient information has been provided to demonstrate that the building is genuinely required for the purpose of agriculture and no justification has been provided for its excessive scale, thus failing to comply with LP54(a) of the Kirklees Local Plan. On this basis the application would also fail to fall under any of the exception detailed in paragraph 154 of the NPPF. The development would therefore be inappropriate development within the Green Belt and harmful to the openness of the Green Belt, contrary to the policies within Chapter 13 of the National Planning Policy Framework and Policy LP54 of the Kirklees Local Plan. Very special circumstances to clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and any other harm, as required by paragraph 153 of the National Planning Policy Framework have not been demonstrated.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	H25-hlf_001		27/05/2025
Proposed Site Plan	H25-hlf_002	B	07/10/2025
Plans and Elevations	H25-hlf_003	B	07/10/2025
Design Statement	H25-hlf_004	B	07/10/2025
Supporting Statement			07/10/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning

Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

Officers sought additional information from the applicant regarding the proposed use of the site and requested a justification for how it complies with green belt policy. A supporting document was submitted by the applicant. The applicant outlined that the building would be for agricultural use and therefore officers sought additional information regarding this which is discussed in section 1 of this report.

Officers outlined concerns regarding the scale and siting of the proposed building. Amended plans were received which reduced the size of the building and moved it south-east within the site. Additional supporting information was also submitted. The application has been determined based on the revised plans.

Report Dated: 10/10/2025